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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,416	06/18/2001	Fong Fang Shen	50325-0537 (3943)	3181

29989 7590 11/14/2006

HICKMAN PALERMO TRUONG & BECKER, LLP  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110

EXAMINER
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KNOWLIN, THUAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/884,416

Applicant(s)

SHEN ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-27,29-37,39-44,46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-27,29-37,39-44,46 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/13/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on August 25, 2006 has been entered. No claims have been amended. Claims 9, 28, 38, and 45 have been cancelled. No claims have been added. Claims 1-8, 10-27, 29-37, 39-44, 46, and 47 are still pending in this application, with claims 1, 12, 13, 14, and 15 being independent.
2. Applicant's arguments, see page 3, lines 1-6, filed 08/25/06, with respect to the rejection(s) of claim(s) 1-8, 10-27, 29-37, 39-44, 46, and 47 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10-27, 29-37, 39-44, and 46-47 are rejected under 103(a) as being unpatentable over Wang et al (US 6,636,505), in view of Dixon et al (US 6,765,918), and further in view of Fijolek et al (US 6,553,568).

4. In regards to claims 1, 11, 12, 13, 14, 15, 17, 30, 40, and 47, Wang discloses a method, computer-readable medium, and apparatus of automating the provisioning of network services for customer premises equipment (See Fig. 2 and CPE 110) of a subscriber in a next generation digital telecommunications network (See Abstract and col. 5 lines 38-47), the method comprising the steps of: receiving information indicating that access is provisioned for a subscriber associated with the customer premises equipment and that one or more permanent virtual circuits are established in network elements of the network for facilitating the access (See col. 7 lines 43-53, col. 8 lines 21-35, and col. 8 lines 54-63); retrieving a configuration template for a configuration appropriate for the customer premises equipment; generating configuration data for the customer premises equipment based on the configuration template and stored system configuration information; and delivering the configuration data over the network (See Fig. 2, core ATM network 80, and DSLAM 90) to the customer premises equipment to result in provisioning the customer premises equipment to provide the service (See col. 7-8 lines 61-15 and col. 8 lines 37-41). Wang, however, does not disclose receiving a service request from a network service provider that comprises information uniquely identifying the customer premises equipment to be provisioned, and a service to be provided by the customer premises equipment. Dixon, however, does disclose receiving a service request (e.g., external signaling/service request) from a network service provider (e.g., ISP/content provider/Service Farm) that comprises information (for example, the information may simply be the end-user's and/or the CPE's location) uniquely identifying the customer premises equipment (e.g., CPE 340) to be

provisioned, and a service to be provided by the customer premises equipment (See col. 5 lines 30-36). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of allowing the service provider to be able to control how and/or when a request for service is needed and initiated, thereby, eliminating the need of the customer premises equipment (CPE) to perform this task. Wang, also, does not disclose allocating and reserving at least one resource associated with the customer premises equipment; allocating and reserving network addresses for a voice signaling channel and a bearer channel associated with communication between the customer premises equipment and the network; updating a domain name service server with information that associates the allocated and reserved network addresses with the customer premises equipment; and creating and storing one or more mappings for the permanent virtual circuits in a switch device that directs network communications to the customer premises equipment. Fijolek, however, does disclose allocating and reserving at least one resource associated with the customer premises equipment (See col. 2 lines 48-56 and col. 14 lines 20-32); allocating and reserving network addresses for a voice signaling channel and a bearer channel associated with communication between the customer premises equipment and the network (See col. 25 lines 32-63 and col. 24-25 lines 49-8); updating a domain name service server with information that associates the allocated and reserved network addresses with the customer premises equipment (See col. 24-25 lines 49-21); and creating and storing one or more mappings for the permanent virtual circuits in a switch device that directs network communications to the

customer premises equipment (See col. 20 lines 49-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ these features within the system, as a way of providing a standard, efficient, and reliable way to provide class-of-service or quality-of-service, and service level agreements to customers in a data-over-cable system. This would also provide system back-up in case of failure, therefore, increasing reliability.

5. In regards to claims 2, 4, 5, 18, 20, 21, 23, 24, 31, 33, 34, 41, and 42, Fijolek discloses the method, apparatus, and computer-readable medium, wherein the customer premises equipment is an ADSL router (See col. 6 lines 54-59 and col. 8-9 lines 62-5), wherein the network is an asynchronous transfer mode (ATM) network (See col. 17 lines 23-28), and wherein the step of generating configuration data includes the step of allocating and reserving an IP address and fully qualified domain name for each of a plurality of permanent virtual circuits associated with communications among the network and the router (See col. 25 lines 32-63 and col. 24-25 lines 49-8).

6. In regards to claims 3, 19, 22, and 32, Wang discloses the method, apparatus, and computer-readable medium, wherein the service request comprises information uniquely identifying the customer premises equipment to be provisioned, information identifying one or more permanent virtual circuits assigned by the service provider to the customer premises equipment; and access control data (See col. 8 lines 3-20 and col. 9 lines 3-6).

7. In regards to claims 6, 10, 16, 25, 29, and 35, Fijolek discloses a method, apparatus, and computer-readable medium, wherein the step of generating

configuration data includes the steps of: allocating and reserving one or more network addresses respectively associated with one or more communication channels between the network and the customer premises equipment by communicating with a dynamic host control protocol server (DHCP) (See Fig. 2 and Dynamic Host Configuration Protocol ("DHCP") layer 66) (See col. 14 lines 20-32); allocating and reserving one or more fully qualified domain names respectively associated with one or more communication channels between the network and the customer premises equipment by communicating with a domain name service server (See col. 25 lines 32-63 and col. 24-25 lines 49-8).

8. In regards to claims 7, 8, 26, 27, 36, 37, 39, 43, 44, and 46, Fijolek discloses a method and computer-readable medium, further comprising the steps of: creating and storing updated configuration data in response to receiving a request to update provisioning of the customer premises equipment; generating a request to a proxy element of a network access device to update the provisioning to the customer premises equipment (See col. 24-25 lines 49- 21).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-8, 10-27, 29-37, 39-44, and 46-47 have been considered but are moot in view of the new ground(s) of rejection.

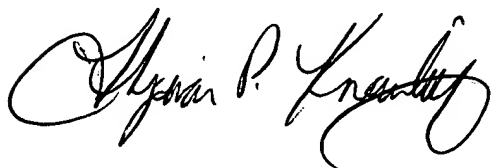
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malkin et al (US 6,061,650) teach a method and apparatus for transparently providing mobile network functionality.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan P. Knowlin', with a stylized, flowing script.

THJUAN P. KNOWLIN